

DAYLE ELIESON
United States Attorney
District of Nevada
KATHRYN C. NEWMAN
Assistant United States Attorney
Nevada Bar 13733
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
P: (702) 388-6336/F: (702) 388-6814
kathryn.newman@usdoj.gov

Counsel for United States

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA)	Case No. 2:18-cr-81-RFB-VCF
)	
Plaintiff,)	<u>MOTION FOR ORDER OF DISMISSAL</u>
vs.)	
)	
RODOLFO MOJICA-VALLE,)	
)	
Defendant.)	

The United States hereby moves to dismiss the Indictment against Rodolfo Mojica-Valle without prejudice, and, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, seeks leave of the Court for such dismissal.

BACKGROUND

In support of its motion, the Government states:

1. The defendant was indicted on March 21, 2018. ECF # 1.
2. The defendant made his initial appearance in this matter on March 22, 2018. ECF # 9.

After a detention hearing on March 23, 2018, the court ordered supplemental briefing on the issue of detention. ECF # 9. The United States withdrew its motion for detention. ECF #12. The Court ordered the defendant released from US Marshal custody and taken into administrative

1 custody by U.S. Department of Homeland Security, Immigration and Customs Enforcement
2 pursuant to a Notice of Reinstatement of Prior Removal on or about April 6, 2018.¹ ECF #17.

3 3. On April 21, 2018, the defendant was removed from the United States to Mexico by the
4 U.S. Department of Homeland Security, Immigration and Customs Enforcement. There is no
5 indication that the defendant has since returned to the United States.

6 **CONCLUSION**

7 For the foregoing reasons, the Government respectfully requests that the Court grant it leave
8 to dismiss without prejudice the above captioned case.

9 DATED this 1st day of May, 2018.

10 Respectfully submitted,

11 DAYLE ELIESON
12 United States Attorney

13 /s/ Kathryn C. Newman

14 KATHRYN C. NEWMAN
15 Assistant United States Attorney
16
17
18
19
20
21
22
23
24

25
26 ¹ The parties filed a stipulation with the Court on April 17, 2018, which asserted that “The defendant is incarcerated and does not object to the continuance.” The defendant was still in the Nevada Southern Detention Center, but had been transferred from the custody of the U.S. Marshals Service to that of U.S. Department of Homeland Security, Immigration and Customs Enforcement.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 -oOo-

4 UNITED STATES OF AMERICA)

Case No. 2:15-cr-81-RFB-VCF

5 Plaintiff,)

ORDER OF DISMISSAL

6 vs.)

7 RODOLFO MOJICA-VALLE,)

8 Defendant.)
9

10
11 IT IS HEREBY ORDERED THAT:

12 (1) Upon Motion of the Government and pursuant to Rule 48(a) of the Federal Rules of
13 Criminal Procedure, Leave of Court is granted for the filing of the Government's Motion for
14 Order of Dismissal.

15 (2) The Indictment in the above captioned case that was filed on March 21, 2018, is hereby
16 ordered dismissed without prejudice.

17
18 DATED this 2nd day of May 2018.

19
20 

21 RICHARD F. BOULWARE, II
22 United States District Judge
23
24
25
26